

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ORDER NO. R7-2006-0036

WASTE DISCHARGE REQUIREMENTS
FOR
PENCA CAPITAL, INC.
TURTLE ROCK IN 29, LLC
TURTLE ROCK ESTATES
WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL SYSTEMS
City of Twentynine Palms – San Bernardino County

The California Regional Water Quality Control Board, Colorado River Basin Region finds that:

1. Turtle Rock in 29, LLC, 71614 Florida Court, Twentynine Palms, California 92277, submitted a Report of Waste Discharge (ROWD) dated December 27, 2005, for the discharge of treated domestic wastes into seepage pits servicing its proposed Turtle Rock subdivision in the City of Twentynine Palms. It also submitted a revised Engineering Report dated December 2005, in support of its ROWD. Turtle Rock in 29, LLC is an agent of Penca Capital, Inc.. Penca Capital, Inc., and its agent are hereafter jointly referred to as Discharger.
2. The Discharger proposes to develop the Turtle Rock subdivision, which consists of 143 single-family residential units in the City of Twentynine Palms, San Bernardino County. The subdivision (Tentative Track No. 17168) covers 40 acres in the SW¼ of the NE¼ of Section 20, T1N, R9E, San Bernardino Baseline and Meridian (SBB&M), as shown in Attachment A, attached hereto and made part of this Order by reference.

Wastewater System and Discharge

3. The residential development will generate up to 40,040 gallons per day (gpd) of domestic wastewater. The Discharger proposes to build a sewage collection, treatment, and disposal system to service the subdivision.
4. The wastewater treatment facility (WWTF) for the subdivision consists of an activated sludge package treatment plant. The WWTF has a rated treatment capacity of 40,000 gpd and includes headworks (metering instrumentation, screens, grit chamber, and flow equalization basin), an equalization tank, two extended aeration tanks, two secondary clarifiers, and one aerobic sludge digester. The plant can be operated in nitrification/denitrification mode. Effluent from the WWTF will be disposed of via on-site seepage pits. A total of 52 seepage pits (including 26 replacement pits) are proposed as disposal system. Solids and sludge removed from the treatment train by a licensed septage hauler and disposed in accordance with state regulations.
5. The subdivision is under construction, and its housing is expected be fully built and occupied by December 2007. The sewage collection, WWTF, and 26 disposal pits are expected to be fully operational by the time the first model homes are built. The WWTF and seepage pits will be within Lot 140 of the subdivision, southeast of the intersection of Calle Todd Lane and Desert Queen Avenue.

Hydrogeologic Conditions

6. The topography of the subdivision site is relatively flat, ranging in elevation from 1820 to 1840 feet above mean sea level. The site is not within a designated FEMA 100-year flood plain, but it is about 1.3 miles from the Pinto Mountain fault.
7. Average annual precipitation for the area is 4 to 6 inches. There are no known surface waters within one mile of the site.
8. A geotechnical engineering report (GER) dated January 20, 2005, includes the findings and recommendations from a geotechnical investigation conducted for the site in December 2004. The GER includes data for 27 exploratory soil borings in the subdivision. Also, 2 percolation tests were conducted for the subdivision. The borings were drilled to depths from 50 to 50.5 feet below ground surface (bgs):
 - a. Soils in the area proposed for the seepage pits consist of sand and loamy sand, from the ground surface to about 50 ft bgs;
 - b. Percolation tests in the area of the proposed seepage pits varied from 25 to 12.5 gallons per square feet per day.
 - c. Groundwater was not encountered during the geotechnical investigation. Groundwater in the area of the seepage pits is believed to be 60 to 70 feet bgs. The highest anticipated groundwater elevation for the subdivision is greater than 60 feet bgs, based on information reported by the Twentynine Palms Water District.
9. The Twentynine Palms Water District provides domestic water services to the City of Twentynine Palms. The District currently uses 12 groundwater wells for water supply. Data for the supply wells indicate that areal groundwater is at about 80 feet bgs and overall of excellent quality. The District's 2004 Consumer's Confidence Report includes the following analyses for samples collected from its wells in 2003:

<u>Constituent</u>	<u>Units</u>	<u>Average Concentration</u> ¹	<u>Range of Concentration</u> ¹
Arsenic	µg/L ²	8.64	2.0 to 29
Fluoride	mg/L	1.52	0.5 to 3.1 ³
Nitrate (as Nitrate)	mg/L	8.03	2.1 to 25
Total Chromium	µg/L	7.83	ND ⁴ to 24
Total Dissolved Solids	mg/L	157.5	100 to 330
Specific Conductance	µmhos/cm	276	190 to 560
Chloride	mg/L	11.4	3.5 to 21
Sulfate	mg/L	16.9	3.5 to 68

¹ Based on analyses for samples collected for the 12 wells between 2000 and 2004.

² Micrograms per liter

³ District Well #3B had a fluoride level of 3.1 in 2003. The reported value exceeds the State Maximum Contaminant Level (MCL) of 2.0 mg/L. The District put the well off-line and re-sampled it again in February 2004. The 2004 analyses for the well show fluoride levels below 3.0 mg/L. The well was put in service. This value exceeds the State Maximum Contaminant Level (MCL).

⁴ Nondetect.

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10. The District wells are in the Twentynine Palms aquifer. The aquifer is unconfined and bounded to on the north by the Transverse Arch anticline, on the south by the Pinto Mountain fault, on the east by the southern Bullion Mountains, and on the west by the Copper Mountains. The table below shows the location of the District wells:

<u>Well Name</u>	<u>Location</u>	<u>Hydrologic Subunit</u>
Well #3B	Sec. 31, T1N, R9E	Twentynine Palms
Well #4	Sec. 31, T1N, R9E	Twentynine Palms
Well #13	Sec. 36, T1N, R8E	Twentynine Palms
Well #14	Sec. 36, T1N, R8E	Twentynine Palms
Well #6	Sec. 33, T1N, R8E	Indian Cove
Well #7	Sec. 33, T1N, R8E	Indian Cove
Well #9	Sec. 33, T1N, R8E	Indian Cove
Well #10	Sec. 30, T1N, R8E	Indian Cove
Well #11	Sec. 30, T1N, R8E	Indian Cove
Well #12	Sec. 33, T1N, R8E	Indian Cove
Well #16	Sec. 32, T1N, R9E	Eastern
Well #TP-1	Sec. 21, T1N, R9E	Mesquite Springs

11. The well nearest to the to proposed discharge is Well #TP-1, which is about 5000 feet from and upgradient of the disposal area. Groundwater in this location flows from the southeast to the northwest and is highly influenced by the faults in the area, including the Pinto Mountain and the Mesquite faults.

Basin Plan, Beneficial Uses, and Regulatory Considerations

12. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) as amended to date designates the beneficial uses of ground and surface waters in this Region.
13. The proposed discharge is within the Twentynine Palms Hydrologic Unit. The beneficial uses of ground waters in the Joshua Tree Hydrologic Unit are:
- Municipal supply (MUN)
 - Industrial supply (IND)
14. The Basin Plan establishes narrative and numeric water quality objectives for groundwater that waste discharge requirements must implement. For groundwater designated as municipal and domestic supply, the numeric objectives are the maximum contaminant levels (MCLs) and bacteriological limits specified in Section 64435 et seq. of Title 22, California Code of Regulations (CCR); and the narrative objectives are that groundwater shall not contain taste or odor producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The Basin Plan also states that discharges of water softener regeneration brine are prohibited to facilities which ultimately discharge in areas where such wastes can percolate to ground water usable for domestic and municipal purposes.

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15. The discharge authorized herein and the treatment and storage facilities associated with the discharge of treated municipal wastewater, except for discharges of residual sludge and solid waste, are exempt from the requirements of Title 27, CCR, Section 20005 et seq. (hereinafter Title 27). The exemption, pursuant to Section 20090(a) of Title 27, is based on the following:
 - a. The waste consists primarily of domestic sewage and treated effluent;
 - b. The waste discharge requirements are consistent with water quality objectives; and
 - c. The treatment and disposal facilities described herein are associated with a domestic wastewater treatment plant.

Groundwater Degradation

16. State Water Resources Control Board (State Water Board) Resolution No. 68-16 ("Policy with Respect to Maintaining High Quality Waters of the State") (hereinafter Resolution No. 68-16) requires a regional board in regulating the discharge of waste to maintain high quality waters of the state (i.e., background water quality) until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than as described in plans and policies (e.g. violation of any water quality objective). The discharge is required to meet waste discharge requirements that will result in the best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and highest water quality consistent with maximum benefit to the people will be maintained.
17. Some degradation of groundwater from the discharge to the seepage pits is consistent with Resolution No. 68-16 provided that degradation:
 - a. is confined to a reasonable area;
 - b. is minimized by means of full implementation, regular maintenance, and optimal operation of best practicable treatment and control (BPTC) measures;
 - c. is limited to waste constituents typically encountered in domestic wastewater; and
 - d. does not result in water quality less than that prescribed in the applicable basin plan, including violation of any water quality objective.
18. The discharge from the WWTF as permitted herein, reflects best practicable treatment and control (BPTC) for the subject wastewater. The control is intended to assure that the discharge does not create a condition of pollution or nuisance and that the highest water quality defined by groundwater limitations will be maintained, which is consistent with the antidegradation provisions of State Water Resources Control Board Resolution No. 68-16. The WWTF incorporates:
 - a. technology for secondary treated domestic wastewater;
 - b. sludge handling facilities;

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- c. an operation and maintenance manual;
 - d. staffing to assure proper operation and maintenance; and
 - e. a standby emergency power generator of sufficient size to operate the treatment plant and ancillary equipment during periods of loss of commercial power.
19. Waste constituents in typical domestic WWTF effluent that represent the greatest risk for groundwater degradation are nitrogen, coliforms (pathogen-indicator organisms), and dissolved salts (TDS). The proposed WWTF provides substantial removal of soluble organic matter, solids, and nitrogen. While secondary treatment also reduces fecal coliform densities by 90 to 99%, the remaining organisms in effluent are still in the order of 10^5 to 10^6 MPN/100 ml (United States Environmental Protection Agency, Design Manual, Municipal Wastewater Disinfection; October 1986). Further, neither the WWTF, nor the seepage pits, nor soils beneath the disposal area are likely to prevent groundwater degradation by TDS.
20. The faults near the disposal area can significantly influence groundwater flow, and enhance transmission of pollutants to groundwater. Considering depth to areal ground water (70 feet bgs), and the foregoing, secondary effluent disinfection prior to discharge into the seepage pits practically eliminates the threat that pathogen-indicator bacteria may pose in the long-term to District water wells and, thus, prevents all-together groundwater degradation by pathogen-indicator bacteria from the discharge. Therefore, degradation, if it occurs, will be limited to groundwater underlying the disposal areas and limited to salinity constituents.
21. The typical incremental addition of dissolved salts though domestic water usage is 150 to 380 mg/L. Considering the average TDS of the source water, the TDS increase for this subdivision is projected to be in the lower range (i.e., increase by about 150-200 mg/L), which is a reasonable projection considering modern water conservation practices. This should hold if the wastes are exclusively domestic and there are no discharges from water softeners. Therefore, a TDS effluent average limitation of 350 mg/L, which is more stringent than the TDS lower limit prescribed by Title 22, CCR, limits salt degradation to a reasonable amount (200 mg/L over the average TDS of District water supply) and provides reasonable protection of the present and anticipated uses of groundwater beneath the seepage pits.
22. Groundwater limitations equal to water quality objectives for indicator waste constituents and parameters are appropriate, as is a more restrictive TDS groundwater limitation. The proposed subdivision provides necessary housing and contributes to the overall economic development in the area. This and the associated increase in TDS are consistent with maximum benefit to the people of the State. Accordingly, the discharge as authorized is consistent with the antidegradation provisions of Resolution 68-16.

Other

23. Federal regulations for storm water discharges were promulgated by the United States Environmental Protection Agency (USEPA) (40 CFR Parts 122, 123, and 124). The regulations require specific categories of facilities which discharge storm water associated with industrial activity to obtain National Pollutant Discharge Elimination System (NPDES) permits and to implement Best Conventional Pollutant Technology (BCT) and Best Available Technology Economically Achievable (BAT) to reduce or eliminate industrial storm water pollution.
24. The State Water Resources Control Board (State Water Board) adopted Order No. 97-03-DWQ (General Permit No. CAS000001), specifying waste discharge requirements for discharges of storm water associated with industrial activities, excluding construction activities, and requiring submittal of a Notice of Intent by industries to be covered under the Permit.
25. The Discharger has applied for coverage under the NPDES General Permit for storm water discharges from construction activities for its site.
26. Pursuant to CWC Section 13263(g), discharge is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge.

CEQA and Public Participation

27. In accordance with the California Environmental Quality Act (CEQA), the City of Twentynine Palms Community Development Department, acting as the lead agency, has filed a Notice of Determination for the proposed project. On August 16, 2005, the City of Twentynine Palms posted the Notice of Determination with a Negative Declaration for the construction of the subdivision, including the associated sewage infrastructure and discharge. As a condition of subdivision approval, the City requires the Discharger to form a Homeowners Association to be responsible for the operation and maintenance of the subdivision sewage infrastructure, including the WWTF and disposal area, and for compliance with these Board requirements. The Regional Water Board has reviewed the Mitigated Negative Declaration and the water quality impacts of the project. Compliance with these waste discharge requirements will prevent adverse water quality impacts and nuisance.
28. The Board has notified the Discharger and all known interested agencies and persons of its intent to update waste discharge requirements for this discharge and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
29. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the Discharger shall comply with the following:

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A. Discharge Prohibitions

1. Discharge of wastes to surface waters or surface water drainage courses is prohibited.
2. Discharge of waste classified as 'hazardous,' as defined in Section 2521(a) of Title 23, CCR, Section 2510 et seq., or 'designated,' as defined in CWC Section 13173, is prohibited.
3. Bypass or overflow of untreated or partially-treated waste is prohibited, except as allowed in Provision E.12.
4. Discharge of waste from the sanitary sewer system at any point upstream of the WWTF is prohibited.
5. Discharge of water softener regeneration brine or similar mineralized wastes into the collection, treatment or disposal systems described in Finding Nos. 3, 4, and 5, above, is prohibited.
6. Discharge of wastewater from WWTF, other than into the seepage pits described in Finding Nos. 4 and 5, above, is prohibited.

B. Discharge Specifications

1. The 30-day monthly average daily discharge flow shall not exceed 40,000 gpd. The flow limit shall be applied to the flow entering the WWTF.
2. Effluent from the WWTF shall not have a pH below 6.0 or above 9.0.
3. The treatment or disposal of wastes from the facility shall not cause pollution or nuisance as defined in Section 13050(l) and 13050(m) of Division 7 of the California Water Code.
4. Public contact with wastewater and the subsurface disposal area shall be precluded or controlled through such means as fences and signs, or acceptable alternatives.
5. The Discharger shall not cause degradation of any water supply.
6. All treatment, storage, and disposal areas shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.

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7. WWTF effluent shall not exceed the following limits:

Constituent	Units	Monthly Average	Weekly Average	Daily Maximum
BOD ₅ ¹	mg/L	30	45	65
Total Suspended Solids	mg/L	30	45	65
Settleable Solids	ml/L	0.5	--	1.0
Nitrate (as Total Nitrogen)	mg/L	10	15	20
TDS	mg/L	350	--	--
Oil and Grease	mg/L	--	--	30
Fecal Coliforms	MPN/100 ml	23	--	240
¹ 5-day biochemical oxygen demand at 20 °C.				
² Most probable number.				

8. A 50-foot buffer zone shall be maintained between the subsurface disposal areas and adjacent property boundaries.

C. Sludge Disposal

1. Collected screenings, biosolids, grease and oil, and other solids removed from liquid wastes shall be disposed of in a manner that is consistent with Title 27 and approved by the Executive Officer.
2. Any proposed change in biosolids use or disposal practice from a previously approved practice shall be reported to the Executive Officer and U.S. Environmental Protection Agency Regional Administrator at least 90 days in advance of the change.
3. Use and disposal of sludge shall comply with existing Federal and State laws and regulations, including permitting requirements and technical standards included in 40 CFR part 503. If the State Water Board and the Regional Water Quality Control Boards are given the authority to implement regulations contained in the 40 CFR part 503, this Order may be reopened to incorporate appropriate time schedules and technical standards. The Discharger must comply with the standards and time schedules contained in 40 CFR part 503 whether or not they have been incorporated into this Order.

D. Groundwater Limitations

1. Discharge of waste constituents from the seepage pits shall not cause groundwater to:
 - a. Contain any of the following constituents in concentration greater than as listed:

Constituent	Units	Limitation
Ammonia (as NH ₄)	mg/l	1.5
Boron	mg/L	0.7
Chloride	mg/L	106
Iron	mg/L	0.3
Manganese	mg/L	0.05

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Constituent	Units	Limitation
Sodium	mg/L	69
Total Coliform Organisms	MPN/100 mL	<2.2
Total Dissolved Solids	mg/L	350
Total Nitrogen	mg/L	10
Nitrite (as N)	mg/L	1
Nitrate (as N)	mg/L	10

- b. Exhibit a pH of less than 6.5 or greater than 8.5 pH units
- c. Impart to groundwater taste, odor, toxicity, or color that creates nuisance or impairs any beneficial use.

E. Provisions

1. The Discharger shall comply with Monitoring and Reporting Program (MRP) No. R7-2006-0036, and future revisions thereto, as specified by the Regional Water Board's Executive Officer.
2. When determining compliance with monthly or weekly average Discharge Specifications, and only one sample is available for that reporting period because of the prescribed monitoring frequency of MRP No. R7-2006-0035, the value of that sample shall be used to determine compliance with the average Discharge Specifications.
3. Prior to any facility modifications that would result in material change in the quality or quantity of wastewater treated or discharged, or any material change in the location of discharge, the Discharger shall report all pertinent information in writing to the Regional Water Board and obtain revised requirements before any modifications are implemented.
4. Prior to any change in ownership or management of this operation, the Discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Water Board.
5. The Discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
6. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
7. Standby power generating facilities shall be available to keep the plant in operation in the event of commercial power failure.
8. The Discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action.

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9. **At least 30 days prior to beginning WWTF operations and waste discharge**, the Discharger shall submit an engineering report pursuant to Section 13267 of the California Water Code. The report shall be prepared by a registered civil engineer experienced in the design of domestic wastewater treatment and disposal facilities, describe the as-built WWTF and disposal system, and shall provide the following:
 - a. A description of the type and location of the flow metering instrumentation installed to meet compliance with the effluent flow limit and MRP No. R7-2006-0036.
 - b. A description of the type, capacity, and location of the standby power facility to meet compliance with Provision E.8, above.
 - c. A detailed description of the subsurface disposal system, including: the number, size, and construction specifications of each seepage pit; the area covered by the seepage pits, total available standby area for seepage pit replacement;
 - d. A map to scale (1" = 200' or better) showing the location of the WWTF and disposal area and the property boundaries surrounding the WWTF and disposal area.
 - e. A copy of the Operation and Maintenance (O&M) Plan for the WWTF and subsurface disposal area. The O&M Plan shall:
 - i. Instruct field personnel on how to manage the day-to-day discharge operations to comply with the terms and conditions of this Order and how to make field adjustments, as necessary, to preclude nuisance conditions (e.g., surfacing water);
 - ii. Include a nuisance condition troubleshooting flowchart for the WWTF and disposal area and a description of notification requirements in case of an emergency.
 - iii. Include an Inspection and Maintenance Plan describing the procedures and schedule for inspecting, testing, and providing the necessary maintenance to the sewage collection system for the subdivision;
 - iv. Instruct plant personnel how to evaluate whether collected grease/scum/sludge need to be removed from the WWTF, and proper procedures for disposal of removed solids.
10. The Discharger shall, at all times, properly operate and maintain all systems and components of collection, treatment and control which are installed or used by the Discharger to achieve compliance with the conditions of this Board Order. Proper operation and maintenance includes effective performance, adequate process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this Board Order. All systems both in service and reserved, shall be inspected and maintained on a regular basis. Records shall be kept of the inspection results and maintenance performed and made available to the Regional Water Board upon demand.

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11. The Discharger shall report any noncompliance that may endanger human health or the environment. The Discharger shall immediately report orally information of the noncompliance as soon as: (1) the Discharger has knowledge of the discharge; (2) notification is possible; and (3) notification can be provided without substantially impeding cleanup or other emergency measures, to the Regional Water Board office and the Office of Emergency Services. During non-business hours, the Discharger shall leave a message on the Regional Water Board office voice recorder at (760) 346-7491. A written report shall also be provided within five (5) business days of the time the Discharger becomes aware of the incident. The written report shall contain a description of the noncompliance and its cause, the period of noncompliance, the anticipated time to achieve full compliance, and the steps taken or planned, to reduce, eliminate, and prevent recurrence of the noncompliance. The Discharger shall report all intentional or unintentional spills occurring within the facility or collection system to the Regional Water Board office in accordance with the above time limits.
12. By-pass (the intentional diversion of waste streams from any portion of a treatment facility, except diversions designed to meet variable effluent limits) is prohibited. The Board may take enforcement action against the discharger for by-pass unless:
 - a. (1) By-pass was unavoidable to prevent loss of life, personal injury, or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a by-pass. Severe property damage does not mean economic loss caused by delays in production); and
(2) There were no feasible alternatives to by-pass, such as the use of auxiliary treatment facilities or retention of untreated waste. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a by-pass that would otherwise occur during normal periods of equipment downtime or preventive maintenance; or
 - b. (1) By-pass is required for essential maintenance to assure efficient operation; and
(2) Neither effluent nor receiving water limitations are exceeded; and
(3) The discharger notifies the Board ten days in advance.

The Discharger shall submit notice of an unanticipated by-pass as required in paragraph B.1, above.

13. The Discharger shall allow the Regional Water Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the premises regulated by this Board Order or the place where records must be kept under the conditions of this Board Order;
 - b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Board Order;

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- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
- 14. The Discharger shall comply with the following:
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Board Order, and records of all data used to complete the application for this Board Order, for a period of at least 5 years from the date of the sample, measurement, report or application.
 - c. Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements.
 - 2. The individual(s) who performed the sampling or measurements.
 - 3. The date(s) analyses were performed.
 - 4. The individual(s) who performed the analyses.
 - 5. The analytical techniques or method used.
 - 6. The results of such analyses.
- 15. Unless otherwise approved by the Regional Water Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.
- 16. The Discharger is the responsible party for the waste discharge requirements and the monitoring and reporting program for the facility. The Discharger shall comply with all conditions of these waste discharge requirements. Violations may result in enforcement actions, including Regional Water Board Orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Water Board.
- 17. The Discharger shall provide adequate notice to the Regional Water Board's Executive Officer of the following:
 - a. Any new introduction of pollutants into any of the treatment facilities described in the Findings of this Board Order from an indirect Discharger which would be subject to Section 301 or 306 of the Clean Water Act, if it were directly discharging the pollutants.

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- b. Any substantial change in the volume or character of pollutants being introduced into any of the treatment facilities described in the Findings of this Board Order by an existing or new source.
 - c. Any planned physical alterations or additions to the facilities described in this Board Order, or changes planned in the Discharger's sludge use or disposal practice, where such alterations, additions, or changes may justify the application of Board Order conditions that are different from or absent in the existing Board Order, including notification of additional disposal sites not reported during the Board Order application process, or not reported pursuant to an approved land application plan.
18. The Discharger shall report all instances of noncompliance. Reports of noncompliance shall be submitted with the Discharger's next scheduled self-monitoring report or earlier if requested by the Regional Water Board's Executive Officer, or if required by an applicable standard for sludge use and disposal.
19. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
20. The Discharger shall maintain a permanent log of all solids hauled away from the treatment facility for use/disposal elsewhere and shall provide a summary of the volume, type (screenings, grit, raw sludge, digested sludge), use (agricultural, composting, etc.), and the destination in accordance with the Monitoring and Reporting Program of this Board Order.
21. This Board Order does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
22. This Board Order may be modified, rescinded and reissued, for cause. The filing of a request by the Discharger for a Board Order modification, rescission and re-issuance, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, or adoption of new regulations by the State Water Board or the Regional Water Board, including revisions to the Basin Plan.

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on May 17, 2006.

Ordered by: _____



Robert Perdue
Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

MONITORING AND REPORTING PROGRAM NO. R7-2006-0036
FOR
PENCA CAPITAL, INC.
TURTLE ROCK IN 29, LLC
TURTLE ROCK SUBDIVISION
WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL SYSTEMS
City of Twentynine Palms – San Bernardino County

Location of Wastewater Treatment Facility (WWTF) and Discharge: NE ¼, of Sec. 20, T1N, R9E, SBB&M

MONITORING

1. The collection, preservation and holding times of all samples shall be in accordance with United States Environmental Protection Agency (USEPA) approved procedures. Unless otherwise approved by the Regional Water Board's Executive Officer, all analyses shall be conducted by a laboratory certified by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of the "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40CFR Part 136), promulgated by the USEPA.
2. Samples shall be collected at the location specified in the Permit. If no location is specified, sampling shall be conducted at the most representative sampling point available.
3. If the facility is not in operation, or there is no discharge during a required reporting period, the discharger shall forward a letter to the Regional Water Board indicating that there has been no activity during the required reporting period.

INFLUENT MONITORING

The wastewater influent to the treatment plant shall be monitored for the following:

Constituents	Units	Type of Sample	Sampling Frequency	Reporting Frequency
Flow (Total Plant influent)	gpd ¹	Flow Measurement	Daily ²	Monthly
20°C BOD ₅ ³	mg/L ⁴	Grab	Monthly	Monthly
Suspended Solids	mg/L	Grab	Monthly	Monthly
¹ gpd - gallons per day ² Reported for each day with average monthly flow calculated ³ BOD denotes 5-day biochemical oxygen demand at 20 °C ⁴ mg/L – milligrams per liter				

SECONDARY EFFLUENT MONITORING

A sampling station shall be established at the point of discharge of the secondary clarifier and shall be located where representative samples of effluent can be obtained:

Constituents	Units	Type of Sample	Sampling Frequency	Reporting Frequency
pH	pH units	Grab	Weekly	Monthly
20°C BOD ₅	mg/L	Grab	Weekly	Monthly
Suspended Solids	mg/L	Grab	Weekly	Monthly
Settleable Solids	ml/L	Grab	Weekly	Monthly
Nitrite (NO ₂ -N) as Nitrogen	mg/L	Grab	Weekly	Monthly
Nitrate (NO ₃ -N) as Nitrogen	mg/L	Grab	Weekly	Monthly
Total Nitrogen	mg/L	Grab	Weekly	Monthly
Fecal Coliforms	MPN/100 ml	Grab	Weekly	Monthly
Total Dissolved Solids	mg/L	Grab	Monthly	Monthly
VOCs ²	µg/L ³	Grab	Yearly	Yearly
¹ When analyses show noncompliance with the limitations prescribed by Discharge Specification No. B.8, the Discharger shall increase the sampling frequency, for the constituents that are in noncompliance, to 3 samples per week, and continue sampling at that minimum frequency until either (a) the sampling shows compliance for two consecutive months or (b) it is notified by the Executive Officer that it can resume the normal sampling schedule.				
² Volatile Organic Compounds testing is to be accomplished using the USEPA test methods 601 and 602 or 624.				
³ Micrograms per liter.				

WATER SUPPLY TO THE COMMUNITY

Prior to beginning WWTF operations and discharge, the Discharger shall establish a sampling station where a representative sample of the domestic water supply for the subdivision can be obtained; and shall provide written notification to the Executive Officer of the proposed sampling station. The sampling station is subject to the approval of the Executive Officer. If the source water is from more than one well, the EC shall be reported as a weighted average and include copies of supporting calculations. Water supply monitoring shall include at least the following:

Constituents	Units	Sampling Frequency
TDS	mg/L	Quarterly
pH	pH units	Annually
Standard Minerals ²	mg/l	Annually
¹ Standard Minerals shall include, at a minimum, the following elements/compounds: Barium, Calcium, Magnesium, Nitrogen, Potassium, Sulfate, Total Alkalinity (including alkalinity series), and Hardness		

REPORTING

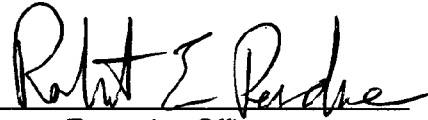
1. The discharger shall arrange the data in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the facility is operating in compliance with waste discharge requirements. Where appropriate, the Discharger shall include supporting calculations (e.g., for monthly averages).
2. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurement(s);
 - b. The individual(s) who performed the sampling or measurement(s);
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or method used; and
 - f. The results of such analyses.
3. The results of any analysis taken, more frequently than required at the locations specified in this Monitoring and Reporting Program shall be reported to the Regional Water Board.
4. Monitoring reports shall be certified under penalty of perjury to be true and correct, and shall contain the required information at the frequency designated in this monitoring report.
5. Each report shall contain the following statement:

"I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations".
6. The Monitoring and Reporting Program and other information requested by the Regional Water Board shall be signed by a principal executive officer or ranking elected official.
7. A duly authorized representative of the discharger may sign the documents if:
 - a. The authorization is made in writing by the person described above;
 - b. The authorization specified an individual or person having responsibility for the overall operation of the regulated disposal system; and
 - c. The written authorization is submitted to the Regional Water Board's Executive Officer.
8. Reporting of any failure in the facility (wastewater treatment plant, and collection and disposal systems) shall be as described in Provision No. 13. Results of any analysis performed as a result of a failure of the facility shall be provided within ten (10) days after collection of the samples.

9. The discharger shall attach a cover letter to the Self Monitoring Report. The information contained in the cover letter shall clearly identify violations of the WDRs, discuss corrective actions taken or planned and the proposed time schedule of corrective actions. Identified violations should include a description of the requirement that was violated and a description of the violation.
10. Daily, weekly and monthly monitoring reports shall be submitted to the Regional Water Board by the 15th day of the following month. Quarterly monitoring reports shall be submitted to the Regional Water Board by January 15, April 15, July 15, and October 15, of each year. Annual monitoring reports shall be submitted to the Regional Water Board by January 15 of each year.
11. The Discharger shall submit monitoring reports to:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring, Suite 100
Palm Desert, CA 92260

Ordered by: _____


Executive Officer

5/17/06
Date

